

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WENDY KIMMEL,

Plaintiff,

v.

CAROLYN W. COLVIN, Commissioner of
Social Security,

Defendant.

Case No. 2:13-CV-01356-TSZ-BAT

**REPORT AND
RECOMMENDATION**

Based on the parties' stipulated motion to reverse and remand the case for further administrative proceedings, Dkt. 18, the Court recommends the case be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g), for further administrative proceedings. The Court recommends that on remand, the administrative law judge ("ALJ") will update the medical record; determine whether plaintiff's impairment meets, medically equals, or functionally equals a listing; further evaluate the opinion evidence from Richard Mauseth, M.D., Exhibits 9F and 14F; further evaluate the subjective complaints of plaintiff's mother; offer plaintiff the opportunity for a new hearing; and, issue a new decision.

The parties stipulate plaintiff is entitled to reasonable attorney fees and costs under 28 U.S.C. § 2412, upon proper request to this Court. Because the parties have stipulated that the case

1 be remanded as set forth above, the Court recommends that United States District Judge Thomas
2 S. Zilly immediately approve this Report and Recommendation. The Clerk should note the matter
3 for February 5, 2014, as ready for Judge Zilly's consideration. A proposed order accompanies
4 this Report and Recommendation.

5 DATED this 5th day of February, 2014.

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8 BRIAN A. TSUCHIDA
9 United States Magistrate Judge
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